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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 330 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.S.A. Sukhdare i/b K. Ashar & Co. for the petitioner.

CORAM : D.G. KARNIK, J.

DATE : 1ST NOVEMBER 2007

P.C. :

1. Heard learned counsel for the petitioner.

2. Contempt alleged is of a subordinate court. The allegations of contempt involve disputed questions of fact. It appears that there was even previous litigation between the parties. Though status quo order appears to have been passed, it is not clear who was in possession of the property as on the date when the order was passed. It is also not clear whether the said status quo order has been breached by anybody. In any event, it would require investigation of facts.

3. In view of the aforesaid, learned counsel for the petitioner seeks leave to withdraw the contempt petition with liberty to move the trial court itself for appropriate action. Leave granted. Contempt petition is disposed of as withdrawn with liberty as above.

(D.G. KARNIK, J.)